

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAUDETTE de LEON

Plaintiff

Vs.

CRAWFORD CENTRAL SCHOOL DISTRICT
CRAWFORD CENTRAL SCHOOL BOARD

Defendants

MICHAEL E. DOLECKI, SUPERINTENDENT

Defendant

CHARLES E. HELLER, III, ASSISTANT
SUPERINTENDENT

Defendant

(NO. 05-126E)

Document:
UNOPPOSED MOTION
FOR
SIXTY-DAY
ENLARGEMENT OF TIME
FOR THE COMPLETION
OF DISCOVERY

Filed on behalf of
Defendants by:
ANDREWS & BEARD

Roberta Binder Heath, Esquire
Pa.Id. No. 50798

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAUDETTE de LEON)	
)	
Plaintiff)	
)	
vs.)	(NO. 05-126E)
)	
CRAWFORD CENTRAL SCHOOL DISTRICT)	
CRAWFORD CENTRAL SCHOOL BOARD)	
)	
Defendants)	
)	
MICHAEL E. DOLECKI, SUPERINTENDENT)	
)	
Defendant)	
)	
CHARLES E. HELLER, III, ASSISTANT)	
SUPERINTENDENT)	
)	
Defendant)	

UNOPPOSED MOTION FOR A SIXTY-DAY ENLARGEMENT
OF TIME FOR THE CONCLUSION OF DISCOVERY

AND NOW, come Defendants, Crawford Central School District, Crawford Central School Board, Michael E. Dolecki, Superintendent, and Charles E. Heller, III, Assistant Superintendent, by and through their counsel of record, Roberta Binder Heath, Esquire, of Andrews and Beard, and hereby propounds the within unopposed Motion requesting a sixty (60)-day extension of time to conclude discovery.

1. Currently, discovery is scheduled to close April 7, 2006.
2. Extensive discovery is being performed by both parties. However, due to the complexity of the issues involved and the extended time frame over which Plaintiff's allegations span, (1993 through 2003, concerning her employment, and up to and including the present relative to certain damages), supplemental requests for documents and interrogatories are merited.

3. To date, Defendants have not received all of Plaintiff's medical records due to initial delays with Plaintiff's failure to prepare individual HIPAA releases. Supplemental individual releases have been sent out but only responded to by one (1) health care provider. Thus, the delay in obtaining critical information has been magnified by virtue of the failure of health-care providers to provide prompt responses to the request for medical records relative to Plaintiff's mental condition. (See Exhibit "A" – letters to Plaintiff's counsel and health-care providers regarding Releases).

4. The issue of whether Defendants will approach the Court concerning an independent medical examination is still in limbo as the medical records have not been received and reviewed in their entirety.

5. Written discovery has been exchanged. However, concerns relative to complete responses and the potential for supplemental requests remain at issue. (See Exhibit "B" – February 23, 2006, correspondence to Plaintiff's counsel requesting specific responses to Interrogatories, February 28, 2006, correspondence to Plaintiff's counsel requesting more detailed discovery responses, and March 3, 2006 correspondence to Plaintiff's counsel requesting documents Plaintiff provided to the PHRC and transcripts from prior arbitration hearings). Defendants' counsel received some supplemental documents on March 3, 2006, and discussed ongoing concerns relative to incomplete and vague responses with opposing counsel at the depositions on March 6 and March 7, 2006.

6. Depositions of seven (7) witnesses took place March 6, 2006 and March 7, 2006. However, Defendants did not complete Plaintiff's deposition. The other witnesses deposed included: Michael Dolecki, Superintendent and named Defendant, George Deshner, former Principal, Patricia Deardorff, former union President, Carl

Roznowski and Joanne Williston, union representatives, and John Stanford, retired teacher.

7. Both sides have multiple additional witnesses to depose. We anticipate the need for up to ten (10) additional depositions. Problems have been encountered locating several former employees and independent witnesses, which has caused further delay in the discovery process.

8. Two (2) subpoenas were sent by Defendants to the Pennsylvania Human Relations Commission (PHRC) and the PSEA. A partial response has been received from the PSEA. Defendants are in the process of following up with the PSEA relative to additional information. On March 6, 2006, Defendants' counsel received voluminous documents from the PHRC, which Defendants are in the process of being reviewed.

9. Depositions for the conclusion of Plaintiff's testimony and those of Mr. Charles Heller, Assistant Superintendent, and named Defendant, and John Higgins, current Assistant Principal, are scheduled for March 30 and March 31, 2006.

10. Thus, additional time is being requested to complete discovery. Plaintiff's counsel has been contacted with this request and has stated no objection to the request.

11. Consequently, the parties jointly request a sixty (60)-day enlargement of time to complete discovery and then to file the dispositive motions and pre-trial narratives at the intervals delineated as follows:

- a. Discovery ends June 7, 2006.
- b. Dispositive Motions due on or before July 7, 2006.
- c. Responses to Dispositive Motions due on or before July 29, 2006.
- d. Plaintiff's Pre-trial Narrative due on or before July 7, 2006.
- e. Defendant's Pre-trial Narrative due on or before July 29, 2006.

f. Joint Statement to be filed indicating whether or not parties are willing to proceed to trial in form of a Magistrate Judge by August 2, 2006.

g. Plaintiff's expert reports shall be filed by August 2, 2006.

h. Defendant's expert reports shall be filed by August 2, 2006.

i. All expert depositions shall be completed by August 23, 2006.

j. The court shall conduct a pre-trial conference on _____.

12. This extension will not significantly delay this matter and will cause no prejudice to either party. However, a denial of an extension will severely prejudice Defendant's ability to adequately and completely defend this matter and file a comprehensive motion for summary judgment. Plaintiff is unopposed to this request for an enlargement of time to complete discovery.

WHEREFORE, the parties respectfully request this Honorable Court enter an order providing that discovery shall be extended until June 7, 2006.

Respectfully submitted:
ANDREWS & BEARD

/s/ Roberta Binder Heath
Roberta Binder Heath, Esquire
Pa. I.D. No. 50798

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Defendant)	

CERTIFICATE OF SERVICE

Roberta Binder Heath, Esquire, 3366 Lynnwood Drive, P. O. Box 1311, Altoona, Pennsylvania 16603-1311, hereby certifies that a true and correct copy of the foregoing Unopposed Motion for Sixty-Day Enlargement of Time for the Conclusion of Discovery has been served on the following parties of record by U.S. Mail, postage prepaid on this **10th** day of **March, 2006**:

Caleb L. Nichols, Esquire
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ANDREWS & BEARD
/s/Roberta Binder Heath
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